

Appl. No. : **10/649,372**
Filed : **August 26, 2003**

REMARKS

Claims 2–56 are pending in this application. In the October 1, 2004 Office Action, the Examiner rejects Claims 2–56. In particular, the Examiner rejects Claims 2–56 under obviousness-type double patenting as being unpatentable over Claims 11, 13–15 and 20–30 of U.S. Patent No. 6,609,656. The Examiner rejects Claims 2–7, 10–24, 45–48, 50 and 52–53 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,025,780 to Bowers et al. (“the Bowers patent”). The Examiner rejects Claims 27–29, 31, 34 and 37–44 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,025,780 to Mish (“the Mish patent”). The Examiner further rejects Claims 8, 9, 25, 26 and 54–56 under 35 U.S.C. § 103(a) as being unpatentable over the Bowers patent. In addition, the Examiner rejects Claims 30, 32, 33, 35, 36, 49 and 51 under 35 U.S.C. § 103(a) as being unpatentable over the Mish patent.

By this present Response, Applicant has amended Claims 37, 39, 41, 42, 48, 50, 51, 53 and 54. Claims 2–36, 38, 40, 43–47, 49, 52, 55 and 56 remain as previously presented. In view of the remarks set forth below, Applicant submits that Claims 2–56 are in condition for allowance.

CLAIM REJECTIONS FOR OBVIOUSNESS-TYPE DOUBLE PATENTING

The Examiner rejects Claims 2–56 under the so-called non-statutory, obviousness-type double patenting rejection. In response, Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321. Therefore, Applicant respectfully requests that the obviousness-type double patenting rejection be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(e)

Rejection of Claims 2–7, 10–24, 45–48, 50 and 52–53

The Examiner rejects Claims 2–7, 10–24, 45–48, 50 and 52–53 as being anticipated by the Bowers patent. For the reasons set forth below, Applicant respectfully disagrees.

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Independent Claim 2

Focusing on independent Claim 2, in one embodiment of Applicant's invention a method for identifying a lost or stolen device is disclosed. The method includes storing in a secure database data associated with a plurality of lost or stolen devices; receiving identifying information of detected devices using at least one reader; and comparing information received by the at least one reader with the data stored in the secure database.

The Bowers patent does not disclose the method as recited in Claim 2. In particular, the Bowers patent does not appear to disclose storing in a secure database data associated with a plurality of lost or stolen devices. Rather, the database (database 200 of Figure 4) cited by the Examiner is used to store information related to tags applied to a predefined set of articles. This database 200 is not described as being a secure database.

Because the Bowers patent does not disclose storing data in a secure database, wherein the data is associated with a plurality of lost or stolen devices, Applicant asserts that Claim 2 is not anticipated by the Bowers patent. Applicant respectfully requests allowance of Claim 2.

Independent Claims 13, 17, 45 and 48

Independent Claims 13, 17, 45 and amended independent Claim 48 are believed to be patentable for reasons similar to those set forth with respect to the patentability of independent Claim 2 and for the different aspects recited therein. Applicant respectfully requests allowance of Claims 13, 17, 45 and 48.

Dependent Claims 3–7 and 10–12

Claims 3–7 and 10–12 depend from independent Claim 2 and are believed to be patentable for the additional features recited therein.

Dependent Claims 14–16

Claims 14–16 depend from independent Claim 13 and are believed to be patentable for the additional features recited therein.

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Dependent Claims 18–24

Claims 18–24 depend from independent Claim 17 and are believed to be patentable for the additional features recited therein.

Dependent Claims 46 and 47

Claims 46 and 47 depend from independent Claim 45 and are believed to be patentable for the additional features recited therein.

Dependent Claims 50, 52 and 53

Claims 50, 52 and 53 depend from amended independent Claim 48 and are believed to be patentable for the additional features recited therein.

Rejection of Claims 27–29, 31, 34 and 37–44

The Examiner rejects Claims 27–29, 31, 34 and 37–44 as being anticipated by the Mish patent. For the reasons set forth below, Applicant respectfully disagrees.

Independent Claim 27

Focusing on independent Claim 27, in one embodiment of Applicant's invention a method for identifying a lost or stolen device is disclosed. The method includes receiving a report of a lost or stolen device and storing data associated with the report of the lost or stolen device into a secure database. The method further includes receiving unique identifying information of detected devices and comparing the identifying information with the data stored in the secure database.

The section of the Mish patent cited by the Examiner does not disclose the method as recited in Claim 27. Rather, the cited portion (col. 5, lines 5–10) discloses:

Toll booths equipped to remotely identify cars can utilize digital processing equipment associated with the toll booths, or a human operator, to rapidly associate a license plate number with an improper RFID signal (e.g. for an RFID device reported as being stolen) so that a thief of the RFID can be identified and apprehended.

This portion does not disclose storing in a secure database data associated with the report of a lost or stolen device. Furthermore, Applicant was unable to find any reference to a secure database in other portions of the Mish patent, which appear to be directed toward license plate frame assemblies.

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Because the portion of the Mish patent cited by the Examiner does not disclose storing data in a secure database, wherein the data is associated with a report of a lost or stolen device, Applicant asserts that Claim 27 is not anticipated by the Mish patent. Applicant respectfully requests allowance of Claim 27.

Independent Claims 37 and 41

Amended independent Claims 37 and 41 are believed to be patentable for reasons similar to those set forth with respect to the patentability of independent Claim 27 and for the different aspects recited therein. Applicant respectfully requests allowance of Claims 37 and 41.

Dependent Claims 28, 29, 31 and 34

Claims 28, 29, 31 and 34 depend from independent Claim 27 and are believed to be patentable for the additional features recited therein.

Dependent Claims 38–40

Claims 38–40 depend from amended independent Claim 37 and are believed to be patentable for the additional features recited therein.

Dependent Claims 42–44

Claims 42–44 depend from independent Claim 41 and are believed to be patentable for the additional features recited therein.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Rejection of Claims 8, 9, 25, 26 and 54–56

The Examiner further rejects Claims 8, 9, 25, 26 and 54–56 as being unpatentable over the Bowers patent. For the reasons set forth below, Applicant respectfully disagrees.

Independent Claim 54

Amended independent Claim 54 is believed to be patentable for reasons similar to those set forth with respect to the patentability of independent Claim 2 and for the different aspects recited therein. That is, the Bowers patent does not teach or suggest

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storing data in a secure database, wherein the data is associated with a plurality of lost or stolen devices. Applicant respectfully requests allowance of Claim 54.

Dependent Claims 8 and 9

Claims 8 and 9 depend from independent Claim 2 and are believed to be patentable for the additional features recited therein.

Dependent Claims 25 and 26

Claims 25 and 26 depend from independent Claim 17 and are believed to be patentable for the additional features recited therein.

Dependent Claims 55 and 56

Claims 55 and 56 depend from amended independent Claim 54 and are believed to be patentable for the additional features recited therein.

Rejection of Claims 30, 32, 33, 35, 36, 49 and 51

The Examiner rejects Claims 30, 32, 33, 35, 36, 49 and 51 as being unpatentable over the Mish patent. Applicant respectfully disagrees with the Examiner because the portion of the Mish patent cited by the Examiner does not teach or suggest storing data in a secure database, wherein the data is associated with a report of a lost or stolen device.

Dependent Claims 30, 32, 33, 35 and 36

Claims 30, 32, 33, 35 and 36 depend from independent Claim 27 and are believed to be patentable for the above-identified reasons and for additional features recited therein.

Dependent Claims 49 and 51

Claims 49 and 51 depend from amended independent Claim 48 and are believed to be patentable for the above-identified reasons and for additional features recited therein.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a

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telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the general office number listed below.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

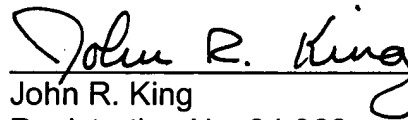
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/21/04

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